

February 2, 2016

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

FEBRUARY 2, 2016

3:30 P.M. SCHEDULED SESSION

3:31 P.M. MEETING COMMENCED

ROLL CALL: Berlin Boyd, Joe Brown, Edmund Ford, Jr., Janis Fullilove, Reid Hedgepeth, Martavius Jones, Worth Morgan, Bill Morrison, Patrice Robinson, Philip Spinosa, Jr., Jamita Swarengen and Chairman Kemp Conrad. Frank Colvett, Jr. was absent.

THE MEETING WAS CALLED TO ORDER BY SERGEANT-AT-ARMS

INVOCATION

The meeting was opened with prayer by Bishop Robert Covington, Jr., from Solemn Assembly Church. Councilwoman Fullilove presented Bishop Covington, Jr., with a certificate naming him Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

MINUTES

Approval of the Minutes of the regular meeting of January 19, 2016 with the following motion:

MOTION: Ford
SECOND: Morrison
AYES: Boyd, Brown, Ford, Fullilove, Hedgepeth, Jones, Morgan, Morrison, Robinson, Spinosa, Swarengen and Chairman Conrad
 Colvett was absent

February 2, 2016

1. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE, LOCATED AT MISSISSIPPI BLVD., FOR DR. KENNETH S. ROBINSON AND REV. MARILYNN ROBINSON. THIS RESOLUTION IS SPONSORED BY COUNCILMAN EDMUND FORD.**

MOTION: Ford
SECOND: Boyd

APPROVED, unanimous voice vote

2. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE, LOCATED AT NORRIS ROAD, FOR APOSTLE PERRY MAPLES, JR., D.D.. THIS RESOLUTION IS SPONSORED BY COUNCILWOMAN JAMITA SWEARENGEN.**

MOTION: Swearengen
SECOND: Morrison

APPROVED, unanimous voice vote

(Councilman Morrison made a motion to Hold Item #3 for (2) weeks – Special Item #1)

MOTION: Morrison
SECOND: Boyd
AYES: Boyd, Ford, Hedgepeth, Jones, Morgan, Morrison, Robinson, Spinosa and Chairman Conrad
NAYS: Brown, Fullilove and Swearengen
Colvett was absent

(Special Item #1 – APPROVED)

3. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED AT 2119 CHELSEA AVENUE (PARCEL ID 041043 00001), CONTAINING 0.15 ACRE IN THE COMMERCIAL MIXED USE-3 (CMU-3) DISTRICT. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT. (COLVETT-CHAIRMAN, PLANNING & ZONING COMMITTEE).**

Case No. SUP 15-221

Held until February 16, 2016

CONSENT AGENDA – Items 4 & 5 may be acted upon by one motion: SEE PAGE 3628 FOR ROLL CALL

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4. **ORDINANCE AMENDING THE RESIDENTIAL PARKING PERMIT PILOT PROGRAM NEAR OVERTON SQUARE MAKING THE PROGRAM PERMANENT, UP FOR S E C O N D READING. ORDINANCE NO. 5610 IS SPONSORED BY ENGINEERING AND COUNCILMAN WORTH MORGAN. (HEDGEPEETH-CHAIRMAN, PUBLIC WORKS COMMITTEE)**

APPROVED, on Second reading

5. **ORDINANCE REZONING THE NORTHEAST, SOUTHEAST AND SOUTHWEST CORNERS OF NEW ALLEN ROAD AND NEW FRAYSER BOULEVARD, CONTAINING 178 ACRES IN THE RESIDENTIAL SINGLE FAMILY(R-6), RESIDENTIAL URBAN (RU-2) AND (RU-3) AND COMMERCIAL MIXED USE (CMU 1) DISTRICTS, UP FOR S E C O N D READING. THIS RESOLUTION IS SPONSORED BY THE OFFICE OF PLANNING AND DEVELOPMENT. (COLVETT-CHAIRMAN, PLANNING & ZONING COMMITTEE)**

Case No. Z 15-104
Ordinance No. 5609

APPROVED, on Second reading

ROLL CALL CONSENT ITEMS

MOTION: Ford
SECOND: Robinson
AYES: Boyd, Ford, Fullilove, Hedgepeth, Jones, Morgan, Morrison, Robinson, Spinosa, Swearngen and Chairman Conrad
Brown did not cast a vote
Colvett was absent

APPROVED

MLGW FISCAL CONSENT AGENDA – Items 6 - 18 may be acted upon by one motion:

(Councilman Hedgepeth made a motion to hold Items 6 -18, until February 16, 2016 without objection).

6. **RESOLUTION AWARDDING CONTRACT NO. 11775, ROOF MAINTENANCE, TO DAKOTA CORPORATION, D/B/A JESSIE BRYANT ROOFING, BASED ON APPROVED UNIT PRICES, IN THE FUNDED AMOUNT, NOT-TO-EXCEED \$65,000.00.**

Held until February 16, 2016

7. **RESOLUTION APPROVING PAYMENT OF AN INVOICE FROM TENNESSEE ONE CALL SYSTEM, INC., FOR ANNUAL MEMBERSHIP DUES FOR THE YEAR 2016 PLUS LOCATE REQUEST TICKETS, IN THE AMOUNT OF \$101,514.80.**

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Held until February 16, 2016

8. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11647, BLANKET CONTRACT DRILLED PIER FOUNDATION, WITH RELIABLE CONSTRUCTORS, INCORPORATED, IN THE FUNDED AMOUNT NOT-TO-EXCEED \$165,890.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE SECOND OF FOUR ANNUAL RENEWAL TERMS COVERING THE PERIOD FEBRUARY 5, 2016 THROUGH FEBRUARY 4, 2017. THIS RENEWAL REFLECTS A 1.88% INCREASE IN RATES FROM THE PREVIOUS YEAR DUE TO AN INCREASE IN MATERIAL AND EQUIPMENT COSTS. IN ADDITION, THIS AMOUNT INCLUDES POTENTIAL EMERGENCY PROJECTS.)**

Held until February 16, 2016

9. **RESOLUTION AWARDDING CONTRACT NO. 11817, HIGH VOLUME OUTAGE CALL MANAGEMENT, TO WEST NOTIFICATIONS, INCORPORATED, D/B/A TWENTY FIRST CENTURY COMMUNICATIONS, IN THE FUNDED AMOUNT OF \$2,222,200.00.**

Held until February 16, 2016

10. **RESOLUTION AWARDDING A CONTRACT TO W. R. GRACE & COMPANY, FOR MOLECULAR SIEVE AND SUPPORT BALLS, IN THE AMOUNT OF \$58,920.00.**

Held until February 16, 2016

11. **RESOLUTION APPROVING PAYMENT OF AN INVOICE FROM THE CITY OF MEMPHIS PUBLIC WORKS DEPARTMENT FOR THE ANNUAL SEWER DISCHARGE FEE, FOR THE 2014 FILTER BACKWASH DISCHARGE FOR SEVEN WATER PUMPING STATIONS, IN THE AMOUNT OF \$413,687.17.**

Held until February 16, 2016

12. **RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 11715, IN-SERVICE WOOD POLE TRUSS RESTORATION SYSTEM, WITH OSMOSE UTILITIES SERVICES, INCORPORATED, BASED ON AGREED TO RATES, IN THE FUNDED AMOUNT OF \$600,000.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR THE FIRST OF FOUR ANNUAL RENEWAL TERMS FOR THE PERIOD COVERING DECEMBER 4, 2015 THROUGH DECEMBER 3, 2016.)**

Held until February 16, 2016

13. **RESOLUTION AWARDDING A CONTRACT TO BRIGHTER DAYS AND NITES, INC., FOR CONTROLS, IN THE AMOUNT OF \$79,904.00.**

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Held until February 16, 2016

14. **MLGW DIVISION PLANS TO ISSUE TAX-EXEMPT SERIES 2016 GAS SYSTEM REVENUE BONDS IN AN ORIGINAL AGGREGATED PRINCIPAL AMOUNT OF NOT TO EXCEED \$40,000,000 FOLLOWING COMPLETION OF THE DIVISION'S 2015 AUDITED FINANCIAL STATEMENTS (ANTICIPATED TO BE JUNE 2016). THE DIVISION INTENDS TO USE A PORTION OF THE PROCEEDS OF THE BONDS TO REIMBURSE THE DIVISION FOR COSTS INCURRED PRIOR TO THE ISSUANCE OF THE BONDS. UNDER FEDERAL TAX LAW, IN ORDER FOR THE PROCEEDS OF TAX-EXEMPT BONDS TO BE USED TO REIMBURSE THE DIVISION FOR PRIOR EXPENDITURES, THE DIVISION AND THE CITY MUST DECLARE THEIR OFFICIAL INTENT TO REIMBURSE THE DIVISION FOR PRIOR EXPENDITURES WITH PROCEEDS OF THE BONDS. THIS RESOLUTION WILL CONSTITUTE SUCH DECLARATION OF OFFICIAL INTENT AND WILL ALLOW THE DIVISION TO UTILIZE A PORTION OF THE BOND PROCEEDS TO REIMBURSE THE DIVISION FOR CAPITAL EXPENDITURES INCURRED ON OR AFTER THE DATE THAT IS SIXTY DAYS PRIOR TO THE APPROVAL DATE OF THIS RESOLUTION BY THE CITY.**

Held until February 16, 2016

15. **MLGW DIVISION PLANS TO ISSUE TAX-EXEMPT SERIES 2016 WATER SYSTEM REVENUE BONDS IN AN ORIGINAL AGGREGATED PRINCIPAL AMOUNT OF NOT TO EXCEED \$30,000,000 FOLLOWING COMPLETION OF THE DIVISION'S 2015 AUDITED FINANCIAL STATEMENTS (ANTICIPATED TO BE JUNE 2016). THE DIVISION INTENDS TO USE A PORTION OF THE PROCEEDS OF THE BONDS TO REIMBURSE THE DIVISION FOR COSTS INCURRED PRIOR TO THE ISSUANCE OF THE BONDS. UNDER FEDERAL TAX LAW, IN ORDER FOR THE PROCEEDS OF TAX-EXEMPT BONDS TO BE USED TO REIMBURSE THE DIVISION FOR PRIOR EXPENDITURES, THE DIVISION AND THE CITY MUST DECLARE THEIR OFFICIAL INTENT TO REIMBURSE THE DIVISION FOR PRIOR EXPENDITURES WITH PROCEEDS OF THE BONDS. THIS RESOLUTION WILL CONSTITUTE SUCH DECLARATION OF OFFICIAL INTENT AND WILL ALLOW THE DIVISION TO UTILIZE A PORTION OF THE BOND PROCEEDS TO REIMBURSE THE DIVISION FOR CAPITAL EXPENDITURES INCURRED ON OR AFTER THE DATE THAT IS SIXTY DAYS PRIOR TO THE APPROVAL DATE OF THIS RESOLUTION BY THE CITY.**

Held until February 16, 2016

16. **MLGW DIVISION PLANS TO ISSUE TAX-EXEMPT SERIES 2016 ELECTRIC SYSTEM REVENUE BONDS IN AN ORIGINAL AGGREGATED PRINCIPAL AMOUNT OF NOT TO EXCEED \$40,000,000 FOLLOWING COMPLETION OF THE DIVISION'S 2015 AUDITED FINANCIAL STATEMENTS (ANTICIPATED TO BE JUNE**

February 2, 2016

2016). THE DIVISION INTENDS TO USE A PORTION OF THE PROCEEDS OF THE BONDS TO REIMBURSE THE DIVISION FOR COSTS INCURRED PRIOR TO THE ISSUANCE OF THE BONDS. UNDER FEDERAL TAX LAW, IN ORDER FOR THE PROCEEDS OF TAX-EXEMPT BONDS TO BE USED TO REIMBURSE THE DIVISION FOR PRIOR EXPENDITURES, THE DIVISION AND THE CITY MUST DECLARE THEIR OFFICIAL INTENT TO REIMBURSE THE DIVISION FOR PRIOR EXPENDITURES WITH PROCEEDS OF THE BONDS. THIS RESOLUTION WILL CONSTITUTE SUCH DECLARATION OF OFFICIAL INTENT AND WILL ALLOW THE DIVISION TO UTILIZE A PORTION OF THE BOND PROCEEDS TO REIMBURSE THE DIVISION FOR CAPITAL EXPENDITURES INCURRED ON OR AFTER THE DATE THAT IS SIXTY DAYS PRIOR TO THE APPROVAL DATE OF THIS RESOLUTION BY THE CITY.

Held until February 16, 2016

- 17. RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 11476, INDUSTRIAL PSYCHOLOGY SERVICES, WITH LOPEZ AND ASSOCIATES, IN THE FUNDED AMOUNT OF \$42,000.00. (THIS CHANGE IS TO RENEW THE CURRENT CONTRACT FOR A THREE YEAR TERM FOR THE PERIOD COVERING APRIL 1, 2016 THROUGH MARCH 31, 2019, WITH NO INCREASE FROM THE PREVIOUS YEARS.)**

Held until February 16, 2016

- 18. RESOLUTION GRANTING MLGW THE APPROVAL TO MAKE A PAYMENT OF FOR A LITIGATION SETTLEMENT, IN THE AMOUNT OF \$59,962.50. (SAME NIGHT MINUTES REQUESTED)**

Held until February 16, 2016

- 19. RESOLUTION ALLOCATING AND APPROPRIATING \$4,714,000.00 IN RALEIGH DRAINAGE BASIN, PROJECT ST03202, FOR RALEIGH SPRING MALL REDEVELOPMENT PROJECT. THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS DIVISION. (HEDGEPEETH-CHAIRMAN, PUBLIC WORKS COMMITTEE).**

MOTION: Hedgepeth

SECOND: Boyd

AYES: Boyd, Brown, Fullilove, Hedgepeth, Jones, Morgan, Morrison, Spinoso, Swearngen and Chairman Conrad
Ford and Robinson did not cast a vote
Colvett was absent

APPROVED

February 2, 2016

20. **RESOLUTION APPROVING AN ANNUAL CONSTRUCTION PROJECT TO REPAIR AND REHAB EXISTING DAMAGED SANITARY SEWER PIPE USING CURED IN PLACE TECHNOLOGY AT VARIOUS LOCATIONS, IN THE AMOUNT OF \$1,650,000.00. THE \$1,650,000.00 WILL BE TRANSFERRED FROM UNENCUMBERED FUNDS FROM PROJECT SW02001 TO SW02139. THIS RESOLUTION IS SPONSORED BY PUBLIC WORKS DIVISION. (HEDGEPEETH-CHAIRMAN, PUBLIC WORKS COMMITTEE).**

MOTION: Hedgepeth

SECOND: Boyd

AYES: Ford, Morgan, Morrison, Robinson, Spinosa, Swearengen and Chairman Conrad
Boyd, Brown, Fullilove, Hedgepeth and Jones did not cast a vote
Colvett was absent

APPROVED

21. **RESOLUTION REQUESTING A TASK FORCE BE ESTABLISHED TO STUDY AND DEVELOP RECOMMENDATIONS FOR A COMPETITIVE BENEFITS PACKAGE TO ENHANCE AND RETAIN PUBLIC SAFETY EMPLOYEES. THIS RESOLUTION IS SPONSORED BY COUNCILMAN EDMUND FORD, JR. (MORGAN-CHAIRMAN, PUBLIC SAFETY & HOMELAND SECURITY COMMITTEE).**

MOTION: Morgan

SECOND: Ford

AYES: Boyd, Ford, Fullilove, Hedgepeth, Jones, Morgan, Morrison, Robinson,
Spinosa, Swearengen and Chairman Conrad
Brown did not cast a vote
Colvett was absent

APPROVED

22. **RESOLUTION ALLOWING THE CITY OF MEMPHIS THROUGH THE DIVISION OF POLICE SERVICES, TO ACCEPT GRANT FUNDS IN THE AMOUNT OF \$29,383.00. THIS RESOLUTION IS SPONSORED BY POLICE SERVICES. (MORGAN-CHAIRMAN, PUBLIC SAFETY & HOMELAND SECURITY COMMITTEE).**

MOTION: Morgan

SECOND: Ford

AYES: Boyd, Ford, Fullilove, Hedgepeth, Jones, Morgan, Spinosa, Swearengen
and Chairman Conrad
Brown, Morrison and Robinson did not cast a vote
Colvett was absent

APPROVED

February 2, 2016

23. **RESOLUTION SEEKING ACCEPTANCE FOR DONATIONS FOR (8) SKYCOP INTEGRATED CAMERA ENCLOSURE SYSTEM W/(2) FLASHING BLUE LIGHTS, MPD/SKYCOP LOGOS (2) FIXED 2.1 MP BULLET CAMERAS, DVR W/4TB STORAGE, POWER & SURGE PROTECTION, 4G LTE EMBEDDED SIM CARD WIRELESS BROADBAND ROUTER AND (8) SKYCOP® LICENSE PLATE READERS WITH SOFTWARE LICENSES, (8) MLGW POLE PERMITS AND (24) AIR CARDS FOR MPD REAL TIME CRIME CENTER. THE CUMULATIVE TOTAL OF THE COMPLETE DONATION HAS AN ESTIMATED VALUE OF \$131,970.96 AFTER INSTALLATION. THESE ITEMS ARE DONATED BY THE MEMPHIS/SHELBY COUNTY LAW ENFORCEMENT FOUNDATION. THIS RESOLUTION IS SPONSORED BY POLICES SERVICES. (MORGAN-CHAIRMAN, PUBLIC SAFETY & HOMELAND SECURITY COMMITTEE).**

MOTION: Morgan

SECOND: Ford

AYES: Boyd, Ford, Fullilove, Hedgepeth, Jones, Morgan, Robinson, Spinoso,
Swearengen and Chairman Conrad
Brown and Morrison did not cast a vote
Colvett was absent

APPROVED

24. **RESOLUTION EXTENDING THE MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS IN AND SURROUNDING THE PINCH DISTRICT, WITH THE EXCEPTION OF ST. JUDE AND ITS PROPERTIES, FOR AN ADDITIONAL 120 DAYS. THIS RESOLUTION IS SPONSORED BY COUNCILMAN BOYD. (COLVETT-CHAIRMAN, PLANNING & ZONING COMMITTEE).**

MOTION: Hedgepeth

SECOND: Ford

AYES: Boyd, Ford, Fullilove, Hedgepeth, Jones, Morgan, Morrison, Robinson, Spinoso,
Swearengen and Chairman Conrad
Brown did not cast a vote
Colvett was absent

APPROVED

(Councilman Jones suspended the rules and added Item #25 to the Agenda, without objection).

25. **RESOLUTION URGING BOTH TENNESSEE STATE LEGISLATIVE BODIES TO PASS HOUSE BILL 1787 AND SENATE BILL 1797, ABOLISHING ACHIEVEMENT SCHOOL DISTRICTS AND PROVIDING ADDITIONAL SUPPORT TO THE DEVELOPMENT OF I-ZONE SCHOOLS. THIS RESOLUTION IS SPONSORED**

February 2, 2016

BY COUNCILMAN JONES. (SPINOSA-CHAIRMAN, PERSONNEL & INTERGOVERNMENTAL COMMITTEE).

MOTION: Jones
 SECOND: Robinson
 AYES: Hedgepeth, Jones, Robinson and Swearengen
 Boyd, Ford and Morrison recused
 Morgan, Spinosa and Chairman Conrad abstained
 Brown and Fullilove did not cast a vote
 Colvett was absent

APPROVED

(Special Item #2 – Councilwoman Fullilove made a motion to approve Same Night Minutes for Items #21, #22, #23, #24 & #25 from tonight’s meeting)

MOTION: Ford
 SECOND: Jones
 AYES: Fullilove, Jones, Morgan, Robinson, Spinosa, Swearengen and Chairman Conrad
 Boyd, Brown, Ford, Hedgepeth and Morrison did not cast a vote
 Colvett was absent

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Conrad recognized the following people who spoke from the audience:

Minister Suhkara Yahweh, 870 E. McLemore Avenue., Memphis, Tennessee, 38106
 Dennis Lynch, 347 N. McLean, Memphis, Tennessee, 38112
 Trevon Black, 9312 Morning Garden Cove, Cordova, Tennessee, 38016
 Walter Broady, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

ADJOURNED MEETING AT 5:15 P.M.

Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

CHAIRMAN

Attest:

Deputy Comptroller/Council Records